



David B. Cohen
Mayor

CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
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Public Hearing Date:	October 6, 2009
Land Use Action Date:	December 15, 2009
Board of Aldermen Action Date:	December 21, 2009
90-Day Expiration Date:	January 4, 2010

DATE: October 2, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *SH*
Alexandra Ananth, Senior Planner

SUBJECT: Petition #247-09 of RICHARD SEVERINI for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing single-family dwelling and construct a new single-family dwelling, increasing the FAR from .411 to .426, and to construct a retaining wall greater than 4 feet within the front setback at 23 HOWE ROAD, Ward 8, NEWTON CENTRE on land known as Sec 81, Blk 11A, Lot 37, containing approx 6,591 sf of land in a district zoned SINGLE RESIDENCE 2.

CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

The petitioner is proposing to demolish the existing single-family home and to construct a new 2½-story residence in its place. The existing single-family residence is located on a 6,600 sq. ft. lot and is currently nonconforming with respect to setbacks and Floor Area Ratio (FAR) at 0.41. The petitioner is seeking a special permit to exceed allowed FAR for the proposed new residence with a proposed FAR of 0.43. Allowed FAR in the Single Residence 2 district is 0.3 or 1,980 sq. ft., based on the size of the subject property. The existing residence is 2,707 sq. ft. and the proposed new residence is 2,802 sq. ft., an increase of 95 sq. ft. over existing square footage. The Planning Department believes that the petitioner should be able to meet FAR standards for the proposed new house if they take advantage of basement and attic space. Furthermore, the Planning Department is concerned that the proposed new residence is not in character with the surrounding neighborhood, which is mainly comprised of modest Tudor and Colonial-style residences. There is some newer construction in the Jane Road cul-de-sac, but these properties have twice the lot area of the subject property. In addition to the FAR request, the petitioner is proposing to locate retaining walls greater than four feet in the setback.

The *2007 Newton Comprehensive Plan* encourages preservation of existing neighborhoods. Although the proposed new residence is only 100 sq. ft. larger than the existing residence, it would be one of the largest houses in the neighborhood on one of the smallest lots. Furthermore, the Planning Department is concerned that the proposed new residence is not compatible with the architecture of the immediate neighborhood along Howe Road, which is the street that the front door faces.

Because the petitioner proposes to demolish the entire existing house and because the new construction will not meet the post-1953 setbacks, the additional FAR “bump” of 0.05, provided by the August, 10 2009 amendment to the City’s Zoning Ordinance (*Ordinance No.Z-51*), does *not* apply.



I. SIGNIFICANT ISSUES FOR CONSIDERATION

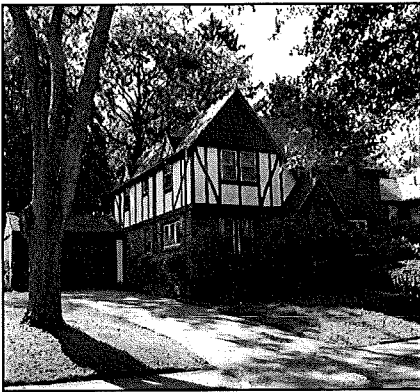
When considering this request, the Board should consider whether:

- the increases in FAR are consistent with and not in derogation of the size, scale and design of other structures in the immediate neighborhood; and
- placement of retaining walls greater than four feet in height within the front setback will have no adverse impacts on immediate abutters.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

Howe Road is located off Parker Street south of Route 9. It is located within a Single Residence 2 District (*SEE ATTACHMENTS "A" AND "B"*), and single-family detached residences characterize the neighborhood. The majority of houses in the neighborhood were constructed between 1927 and 1950. Most of the residences are modestly-sized two-story Tudors or Colonials though some of the houses have had more recent additions. Most of the lots in the neighborhood are small and range from 6,000 sq. ft. to 8,000 sq. ft., although some of the lots on Jane Road are significantly larger (around 12,000 sq. ft.) The FARs of neighboring properties range from 0.27 to 0.5, with the average around .31 (*SEE ATTACHMENT "C"*).



Adjacent house on Howe Road



New construction on Jane Road

B. Site

The 6,600 sq. ft. site slopes gradually up to the south towards Jane Road. The existing house is a two-story, Tudor-style stucco residence circa 1940 with a carport and shed. The elevation of the lot is set slightly above the street and is retained by a low stone wall. There is a large maple tree on the Jane Road property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the single-family use are proposed.

B. Building and Site Design

The petitioner proposes to demolish the existing house and to construct a new 2½-story single-family home on the site. While the existing house is 2,707 sq. ft, the proposed residence is 2,802 sq. ft. with an FAR of 0.43, which exceeds the allowable total FAR of 0.3 in a Single Residence 2 District. The proposed new residence appears to be Colonial-style with a projecting basement level garage wing with master suite above. The proposed new residence will conform to all required setbacks but

will be significantly taller than the existing structure. The first floor elevation is three feet higher than the existing first floor and the new structure may appear much more massive than the present structure due to the proposed design. The proposed new house is 2.5 stories while all other houses in the immediate neighborhood are two stories. *NOTE: Building materials are not specified on plans.*

The Newton Historical Commission reviewed plans for a structure on this site and approved a waiver of the demolition delay based on revised building plans. *The attached elevations and floor plans reflect the Historical Commission's requested changes (ATTACHMENT "F").*

C. Grading and Landscape Screening

The petitioner is proposing a retaining wall four feet in height in the front setback, which requires special permit approval. The proposed wall will retain the site from the basement level garage and includes a set of stairs leading up to the house from the driveway. The petitioner did not submit details of this wall and should do so prior to being scheduled for a Working Session. There also are some walls in the side and rear setbacks that are less than four feet high, which do not need a special permit. There is currently an existing low stone wall on the front and side property lines not shown on plans for existing or proposed structures. *The petitioner must submit accurate plans prior to being scheduled for a Working Session.*

There is a mature maple tree of about two feet in diameter near the front property line facing Jane Road, which the petitioner indicated will remain and should be so indicated on plans. *If approved by the Board of Aldermen, the Planning Department recommends that the petitioner install some additional landscaping, including fast-growing vegetation in order to minimize the visual impact on abutters of the increase in the size and height of the proposed dwelling.*

IV. CITY'S COMPREHENSIVE PLAN

The 2007 Newton Comprehensive Plan encourages preservation of existing neighborhoods. While the Planning Department believes that modestly-sized additions can help to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families, *this proposal will not preserve the existing single-family residence and entails significant changes to the streetscape.* Nonetheless, because of the recent construction of large houses in the neighborhood, the proposed house may be in scale with some of its neighbors.

V. TECHNICAL REVIEW

- A. Technical Considerations (Section 30-15). The Zoning Review Memorandum, dated August 24, 2009 (*SEE ATTACHMENT "D"*), provides an analysis of the proposal with regard to Section 30-15, Table 1 for a pre-1953 lot. A special permit is required for the construction of a new house that exceeds the allowable FAR and for a retaining wall greater than four feet in height in the front setback.

B. Other Reviews

1. Engineering. The Associate City Engineer reviewed the submitted plans (*ATTACHMENT "E"*) and notes a number of issues that will need to be addressed prior to the Working Session regarding retaining walls and water and sewer services. He also notes that the sidewalks along the frontage should be upgraded to cement concrete, as the existing asphalt walkways will be removed with the associated utility work and that the installation of a handicap pedestrian ramp at the intersection of Howe Road and Jane Road would be a public benefit.
2. Fire Department. Fire accessibility review is not required for a single-family home.
3. Historic Preservation Review. The Newton Historical Commission reviewed plans for this site on August 27, 2009 and found the existing residence to be preferably preserved. On September 24, 2009 it reviewed plans for the replacement structure and approved of demolition delay waiver (7-0) provided that the alternate front elevation is used and that the dormers be lowered below the ridge line. *ATTACHMENT "F"* reflects these changes.

VI. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum, the petitioner is seeking approval through or relief from:

- Section 30-15, Table 1, Footnote 5, to construct a new house that exceeds FAR allowed;
- Section 30-5(b)(4), for retaining walls more than four feet high within the front setback;
- Section 30-23, for site plan approval; and
- Section 30-24, for approval of special permit.

VII. SUMMARY OF PETITIONER'S RESPONSIBILITIES

The petitioner should be expected to respond to Engineering concerns and to submit an accurate depiction of existing conditions and proposed plans prior to being schedule for a Working Session including:

- a landscape plan, showing existing street tree to remain and screen plantings to lessen visual impact on neighbors;
- proposed building materials;
- details for the proposed retaining wall in the front setback.

ATTACHMENTS:

- ATTACHMENT A: Zoning Map*
ATTACHMENT B: Land Use Map
ATTACHMENT C: Neighborhood Comparison Chart
ATTACHMENT D: Zoning Review Memorandum, dated August 24, 2009
ATTACHMENT E: Engineering Memorandum, dated September 30, 2009
ATTACHMENT F: Front Elevations dated September 9, 2009
ATTACHMENT G: Newton Historical Commission Record of Action, dated September 25, 2009

Zoning Map

23 Howe Rd.

ATTACHMENT A

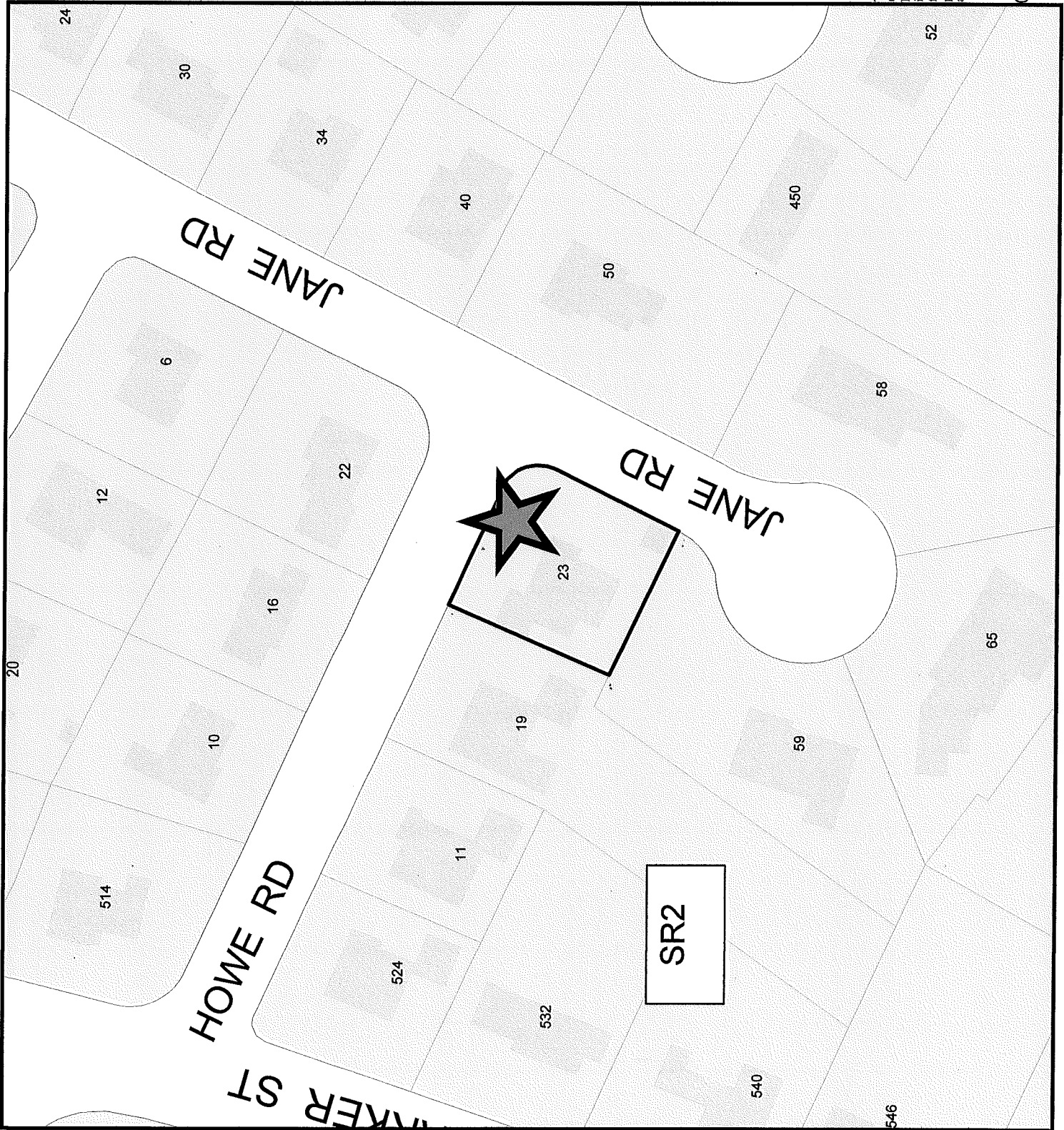
Legend	
	23 Howe Rd.
	Building Outlines
	Single Res. 1
	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Limited Manufacturing
	Manufacturing
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use



The information on this map is for informational purposes only. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their own purpose. City departments may not approve applications based on this map.

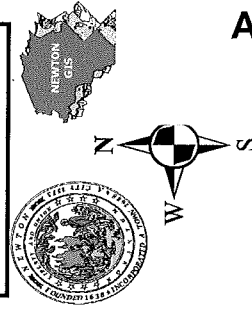
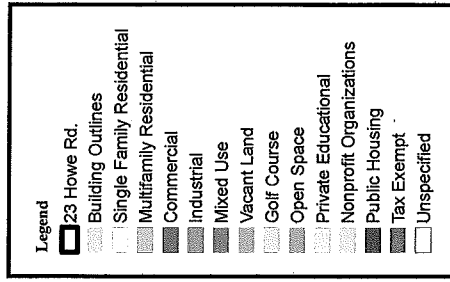
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MAP DATE: October



Land Use Map

23 Howe Rd.

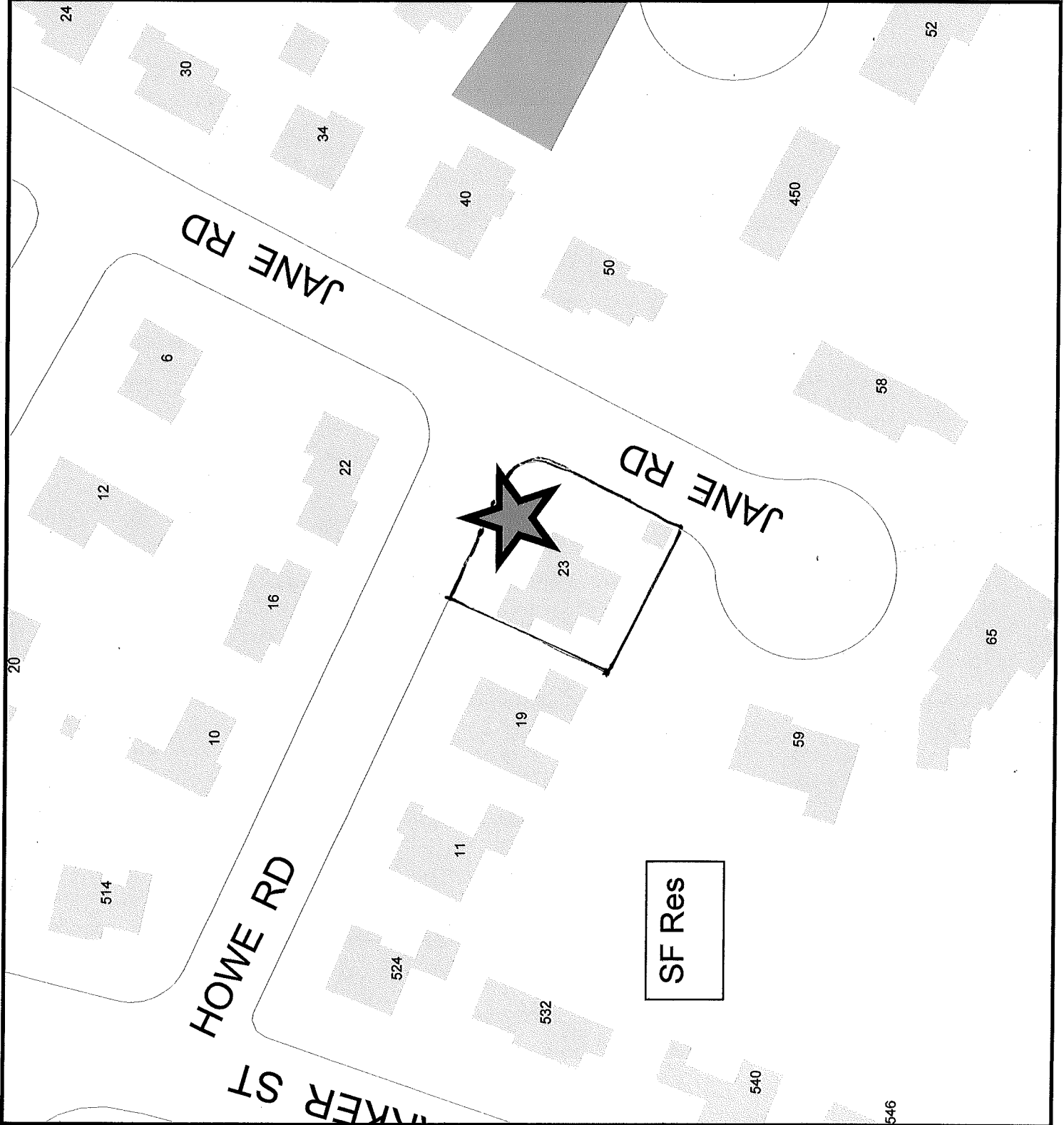


ATTACHMENT B

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MAP DATE: October



Neighborhood Comparison Chart (Prepared by Planning Department)

<u>Address</u>	<u>Approx. Yr. Built</u>	<u>Lot Size</u>	<u># Units</u>	<u>Approx. Sq. Ft.</u>	<u># Stories</u>	<u>Material</u>	<u>Style</u>	<u>Approx. FAR</u>
11 Howe Rd	1930	5,950	1	2,980	2	Brick	Tudor	0.50
19 Howe Rd	1927	15,442	1	2,908	2	Brick	Tudor	0.19
23 Howe Rd	1940	6,600	1	2,707	2	Stucco	Tudor	0.41
59 Jane Rd	1950	12,050	1	2,332	2	Clapboard	Colonial	0.19
65 Jane Rd	1948	12,930	1	2,741	1	Shingle	Ranch	0.21
58 Jane Rd	1940	12,540	1	4,412	2	Stucco	Colonial	0.35
50 Jane Rd	1930	12,658	1	2,374	2	Stucco	Tudor	0.19
40 Jane Rd	1945	6,728	1	2,456	2	Clapboard	Colonial	0.37
34 Jane Rd	1936	6,905	1	1,784	2	Brick	Colonial	0.26
30 Jane Rd	1931	7,082	1	2,311	2	Shingle	Old Style	0.33
6 Whittlesey	1927	8,055	1	2,240	2	Stucco	Tudor	0.28
22 Howe Rd	1930	7,920	1	2,084	2	Shingle	Colonial	0.26
16 Howe Rd	1933	6,600	1	2,171	2	Shingle	Colonial	0.33
10 Howe Rd	1927	7,000	1	1,900	2	Stucco	Tudor	0.27
Neighborhood Avg.		9,176		2,529				0.30
23 Howe Rd. Proposed		6,600		2,802	2.5		Colonial	0.43

Zoning Review Memorandum

Dt: August 24, 2009

To: John Lojek, Commissioner of Inspectional Services

Fr: Eve Tapper, Chief Zoning Code Official
Candace Havens, Chief Planner

ET

Cc: Michael Kruse, Director, Department of Planning and Development
Terrence Morris, attorney for Richard Severini
Ouida Young, Associate City Solicitor

RE: Request to allow an increase in FAR.

Applicant: Richard Severini

Site: 23 Howe Road

SBL: Section 81, Block 11A, Lot 37

Zoning: SR-2

Lot Area: 6,591 square feet

Current use: Single-family residence

Proposed use: Single-family residence

Background:

1. The subject property consists of a 6,591 square foot lot currently improved with a single-family residence. The applicants are proposing to demolish the existing house and rebuild a new single-family residence on the lot.

Administrative determinations:

2. The property is in the SR-2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

SR-2 Zone	Required/Allowed	Existing ¹	Proposed
Lot size	10,000 sq. ft.	6,591 sq. ft.	No change
Frontage	80 feet	85 feet	No change
Setbacks			
• Front	25 feet	20.2 feet	25.5 feet
• Side	7.5 feet	1.6 feet	8.5 feet
• Rear	15 feet	13.1 feet	15.9 feet
FAR	.3 ²	.411	.426
Building Height	30 feet	21 feet	28.7 feet
Maximum Stories	2.5	2.5	2.5
Max. Lot Coverage	30%	21.4%	24.6%
Min. Open Space	50%	73%	66.1%

¹The existing house will be demolished so the dimensional standards of the existing house are not relevant to this review.

²On August 10, 2009, the Board of Aldermen approved a Zoning Amendment (petition #142-09) which allows an FAR bonus of up to .07 for old lots and structures that meet certain dimensional requirements. Since the existing house will be demolished and the new house will be built to old lot setbacks, the subject property does not qualify for this bonus. In addition, the proposed FAR of .426 is still more than the bonus would permit if the conditions had been met.

3. The proposed structure will exceed allowable Floor Area Ratio. The proponent needs a Special Permit from the Board of Aldermen under Sections 30-15, Table 1, Footnote 5.

4. To accommodate the garage under the proposed structure, a retaining wall of greater than four feet is required within the front setback. This wall is allowed with a special permit from the Board of Aldermen pursuant to Ordinance No. Z-45 and Section 30-5(b)(4).

5. See "Zoning Relief Summary" below:

<i>Zoning Relief Summary</i>		
<i>Ordinance</i>		<i>Action Required</i>
	Building	
§30-15, Table 1, Footnote 5	Exceed allowable FAR	SP per §30-24
	Site	
§30-5(b)(4), Ordinance Z-45	Greater than 4' retaining wall within the setback	SP per §30-24

Plans and materials reviewed:

- Plan set titled "Severini Residence, 23 Howe Road, Newton, MA," signed and stamped by David H. O'Sullivan, registered architect, consisting of the following:
 - Sheet 1 – Existing Photos: building Front, Side and Rear Elevations, dated 6/15/09
 - Sheet 2 – Existing Floor Plans: 1st, 2nd and Attic levels, dated 3/26/08
 - Sheet 3 – Proposed Design: Floor Plans and Building Front, Side and Rear Elevations, dated 7/15/09
 - Sheet 4 – Garage/Basement Plan, dated 7/15/09
- Plan set dated July 8, 2009 except as noted signed and stamped by Joseph T. Porter, Professional Land Surveyor and Stephen E. Poole, Registered Professional Engineer, consisting of the following:
 - Topographic Site Plan – Newton, Massachusetts Showing Existing Conditions at 23 Howe Road, dated February 2, 2005
 - Topographic Site Plan – Newton, Massachusetts Showing Proposed Conditions at 23 Howe Road, dated July 8, 2009, revised August 25, 2009 (revised version is neither signed nor stamped by a licensed professional)
 - Detailed Sheet – Newton, Massachusetts Showing Details at 23 Howe Road
 - Area Plan of Land in Newton, Massachusetts at 23 Howe Road

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman George Mansfield, Land Use Committee Chairman

From: John Daghlilian, Associate City Engineer

Re: Special Permit – 23 Howe Road

Date: September 30, 2009

CC: Lou Taverna, PE City Engineer (via email)
Candice Havens, Chief Planner (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Zoning Officer, (via email)
Alexandra Ananth, Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan of Land
Showing Proposed Conditions at #23 Howe Road
Newton, MA
Prepared by: VTP Associates Inc.
Dated: July 8, 2009
Revised: August 25, 2009*

Drainage:

1. The drainage system is designed in accordance to the City's 100-year storm event.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and adopted by applicant, incorporated into the deed; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the homeowner.
4. The trench drain needs to have a gas trap outlet prior to the on site infiltration system.

5. Clarification is needed as to how the roof leaders are connected to the two infiltration systems; the drawing shows one line and it is not labeled.

Retaining Walls:

1. Based on a site visit, stone retaining walls exist along the western and southern property lines; it is unclear if these walls will be maintained, or if the walls shown on the plans are replacement walls. Details should be submitted for clarification. If the drawing depicts new walls they appear to be the same height as the existing walls based on field observations.
2. Along the southeast corner an existing wooden shed is to be raised, however an existing timber retaining wall (not shown on the plans) has about a two foot drop between the top of the wall and its base, the plan does not show any regarding in this area, is the intent to maintain the landscape timber walls?
3. It is unclear as to the status of the existing fieldstone wall along the frontage [again not shown on the site plan] will this area be regraded?

General:

1. As a public benefit as the sidewalks along the frontage should be upgraded to cement concrete as the existing asphalt walkways will be removed with the associated utility work, furthermore there is no pedestrian ramp [a.k.a. handicap ramp] at the intersection of Howe Road and Jane Road, it would be a benefit if a ramp is installed.
2. There are two deciduous trees within the right of way of Howe Road which are not shown on the plan, these trees have some dead limbs and need to be pruned before the fall off and cause any personal or property damage; the applicant should request that the City's Tree Arborist remove the dead limbs.
3. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*

4. All utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) excavatable Type IE, detail is available in the city of Newton Construction Standards Detail Book.
5. Any tree removal shall comply with the City's Tree Ordinance.

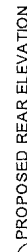
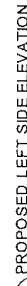
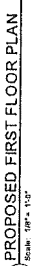
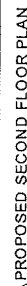
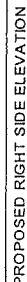
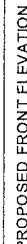
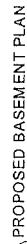
Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

BUILDING S.F.	09/25/20
FIRST FLOOR	159
SECOND FLOOR	1216
TOTAL -	2,805
ATTIC OVER 7 CLG.	354
GARAGE	501

O'SULLIVAN ARCHITECTURE
201 EDGEWATER DRIVE, SUITE 21
Tel: (781) 246-1667 • Fax: (781) 246-1663 • V

09/25/2009



LOT COVERAGE CALCULATION	
LOT AREA	6,591 S.F.
LOT COVERAGE	1593 S.F.
% LOT COVERAGE	24.2%
% OPEN SPACE	75.8%

PROPOSED F.A.R. CALCULATION		
LOT AREA	6,591 S.F.	
TOTAL BLDG. AREA	2,809 S.F.	
PROPOSED F.A.R.	0.426	



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development
Michael J. Kruse, Director

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David B. Cohen
Mayor

RECORD OF ACTION:

DATE: September 25, 2009

SUBJECT: 23 Howe Road

At a scheduled meeting and public hearing on September 24, 2009 the Newton Historical Commission, by vote of 7-0,

RESOLVED to issue a wavier of delay for 23 Howe Road with the following conditions: (1) that the alternate front elevation be used, (2) that the height of all dormers as the meet the ridge line be lowered, and (3) that revised drawings and materials information be submitted and approved.

Voting in the Affirmative:

Donald Lang, Chair

David Morton, Secretary

Alfred Wojciechowski, Member

Zack Blake, Member

Nancy Grissom, Member

Rodney Barker, Member

William Roesner, Member


Brian Lever, Commission Staff